

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA**

**vs.**

**CASE NO.: 97-231-01 (SEC)**

**JOHN FRANCO<sup>1</sup>**

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**MOTION NOTIFYING VIOLATION OF SUPERVISED RELEASE CONDITIONS  
AND  
REQUEST FOR ISSUANCE OF A SUMMONS**

**TO THE HONORABLE SALVADOR E. CASELLAS  
U. S. DISTRICT JUDGE  
DISTRICT OF PUERTO RICO**

**COMES NOW, Norma Rivera-Rochet, United States Probation Officer** of this Honorable Court, presenting an official report upon the conduct and attitude of releasee, John Franco, who on the 25<sup>th</sup> day of June 1998, was sentenced by Your Honor to serve a twenty-four(24) month imprisonment term, followed by a five (5) year supervised release term after he pled guilty to having conspired to unlawfully import heroin into the United States. In addition, the offender was ordered to pay a \$100 Special Monetary Assessment and a \$500 fine. The Court also ordered that if urine samples detected substance abuse, the defendant, at the discretion of the Probation Department, participate in substance abuse treatment, arranged and approved by the U.S. Probation Officer.

On April 29, 2002, the Court modified the originally imposed conditions and

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<sup>1</sup>Offender's Home Address: 47-16 67<sup>th</sup> St Woodside, NY 11377

Offender's Work Address: Flor de Sol Restaurant 361 Greenwich St. New York, NY

ordered that the offender complete one hundred (100) hours of community service work and obtain a General Equivalency Diploma (GED). Said modification was prompted because of the offender's arrest for Operating a Motor Vehicle Under the Influence of Alcohol and Operation of a Motor Vehicle without Safety Belts.

Pursuant to a Violation Report received from the supervising district, Eastern District of New York (ED/NY), since the offender's release to supervision on June 2, 2000, his adjustment has been marginal. Although the offender eventually completed the 100 hours of community service on April 2, 2003, he was discharged from the community service center he was initially assigned to due to his poor attendance and had to be placed at a different site. As relates to treatment, although the offender attended every session at the Western Queens Alcoholism Center, twice a week, according to the counselor, "he was merely going through the motions." As relates to the Court Order that the offender obtain his GED, the supervising district (ED/NY) has notified that despite repeated directives, as well as a letter of admonishment, the offender has failed to adhere to said Court Order. Having considered all the facts, to include that it is not the first time the Court has been notified of the offender's non-compliant behavior, the ED/NY has respectfully requested that the Court once again consider this case along with all the facts that pertain to offender's behavior while on supervision, and revoke the term of supervised released imposed on June 25, 1998.

U.S. Probation Officer Yara X. Suarez, U.S. Probation Officer in the supervising district, ED/NY, is recommending to the Court that Mr. John Franco be summoned on the charge that he failed to obtain his GED as ordered.

**Wherefore**, it is respectfully requested and prayed that the summary of the information herein presented (set forth in detail by the ED/NY in violation report submitted

to D/PR) be considered, and the Court order time tolled, ( so as not to allow supervision to expire as scheduled on June 1, 2005) summons issued and the offender brought before this Court to determine if his term of supervised release is to be revoked. Thereupon, the releasee to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 24<sup>th</sup> day of May, 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

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**CERTIFICATE OF SERVICE**

I HEREBY certify that on May 24, 2005, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

U.S. Attorney Humberto García, Esq., and I hereby certify that I have mailed by United States Postal Service the document to the following CM/ECF participants:

Joseph Law, Federal Public Defender, 241 Roosevelt Avenue, El Patio Gallery, San Juan, P.R. 00918.

At San Juan, Puerto Rico, May 24<sup>th</sup>, 2005.

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